



# City Council Agenda

Council President  
**Henry T. Perea**

Councilmembers

**Brian Calhoun, Ph.D.**  
**Mike Dages**  
**Jerry Duncan**

**Cynthia Sterling**  
**Larry Westerlund**  
**Blong Xiong – Acting President**

City Manager  
**Andrew T. Souza**

City Clerk  
**Rebecca E. Klisch, CMC**

City Attorney  
**James C. Sanchez**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650.

The City Council welcomes you to this meeting.

## May 1, 2007

### 8:30 A.M. ROLL CALL

Invocation by Pastor Paul Micu from Riverpark Bible Church

Pledge of Allegiance to the Flag

The agenda is available on ([www.ci.fresno.ca.us](http://www.ci.fresno.ca.us)). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

**PROCESS:** For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

## **Ceremonial Presentations:**

Proclamation of "Betty Peterson's Support of Habitat for Humanity" – Member Sterling

**Read and presented**

Proclamation of "Peace Officers Memorial Day" – Mayor Autry and all Councilmembers

**Read and presented**

Certificate of Commendation to Bishop Henry L. Johnson – Member Westerlund

**Read and presented**

Approve minutes of April 24, 2007

**Action Taken:** Approved as submitted

Councilmember Reports and Comments

**Action Taken:** See minutes

Approve Agenda

**Action Taken:** Approved as amended

Adopt Consent Calendar

**Action Taken:** Items 1F and 1G removed from agenda, remaining items approved as recommended

### 1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 P.M.

- A. \* [Approve side letter of agreement with City of Fresno \(City\) and City of Fresno Professional Employees Association \(CFPEA\), unit 13, regarding an amendment/modification of adding the languages of Punjabi and Hindi to bilingual certification program – Personnel Department](#)  
**Action Taken:** Recommendation approved
- B. \* **RESOLUTION** - 18th amendment to FY07 Salary Resolution 2006-257 adding the classifications of Criminalist and Criminalist Specialist – Personnel Department  
**Action Taken:** Resolution 2007-171 adopted
- C. [Reject all bids for requirements contract for ortho poly phosphate blend\(bid file 8875\) - Department of Public Utilities](#)  
**Action Taken:** Rejected as recommended
- D. [\*\*RESOLUTION\*\* - Authorizing County of Fresno's Regional Grant Application to the California Integrated Waste Management Board for Local Government Household Hazardous Waste Program funding assistance \(cycle 16\) - Department of Public Utilities](#)  
**Action Taken:** Resolution No. 2007-167 adopted
- E. \* Award a construction contract in the amount of \$3,255,675.14 to Dave Christian Construction Co., Inc. for the widening of Herndon Avenue between Weber and Polk Avenues(**Property located in District 2**)  
**Action Taken:** Awarded as recommended
1. \* [\*\*RESOLUTION\*\* - 76th amendment to the AAR No. 2006-253 appropriating \\$3,694,300 for the widening of Herndon Avenue between Weber and Polk Avenues – Public Works Department \(Requires 5 affirmative votes\)](#)  
**Action Taken:** Resolution No. 2007-168 adopted

### **CONSENT CALENDAR CONTINUED**

- F. \* [Approve a professional engineering services agreement with Boyle Engineering for \\$89,566 to design street improvements at the San Joaquin Valley Railroad crossings of Cedar, Maple, and Chestnut Avenues and authorize the Public Works Director or his designee to sign the agreement on behalf of the City \(Property located in Council District 5\) - Public Works Department](#)  
**Action Taken:** Removed from agenda
- G. \* [Approve a professional engineering services agreement with Willdan Engineering for \\$69,030 to design street improvements at the San Joaquin Valley Railroad crossings of Willow, Peach, and Fowler Avenues and authorize the Public Works Director or his designee to sign the agreement on behalf of the City \(Property located in Council District 5\) - Public Works Department](#)  
**Action Taken:** Removed from agenda
- H. [\*\*RESOLUTION OF INTENTION\*\* to Annex Final Tract No. 5730 as Annexation No. 17 to City of Fresno CFD No. 11 and setting a hearing for May 15 at 10:30 A.M. \(Property located in Council District 2\) - Public Works Department](#)  
**Action Taken:** Resolution No. 2007-169 adopted, hearing set as noted
- I. \* [\*\*RESOLUTION\*\* – Adopting the 457<sup>th</sup> Amendment to MFS No. 80-420 to establish a immobilization “boot” removal fee per section 10-310 of the Fresno Municipal Code - Public Works Department](#)  
**Action Taken:** Resolution No. 2007-170 adopted
- J. \* [\*\*BILL B-39 \(Introduced on April 24, 2007\)\(For adoption\)\*\* Amending Subsection 12-306-N-56 to the Fresno Municipal Code relating to the definition of medical marijuana dispensaries and cooperatives – Planning and Development Dept.](#)  
**Action Taken:** Ordinance No. 2007-42 adopted

#### **SCHEDULED COUNCIL HEARINGS AND MATTERS**

- 9:00 A.M.      A.      **SCHEDULED COMMUNICATION –**  
                          1.      Appearance by Caleb Robinson – regarding the blight of downtown and the destruction of Fresno's historical landmarks  
    **Request withdrawn due to illness**
- B.      **UNSCHEDULED COMMUNICATION –** Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda
- 9:15 A.M.      **CITY COUNCIL**
- A.      Discussion and direction regarding establishment of a FY 2008 Council Budget Committee for the May 1 – July 31, 2007 time period – Council President Perea  
    **Action Taken:** Discussed, no action taken

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

9:30 A.M.

### **GENERAL ADMINISTRATION**

- A. \* [RESOLUTION - 64th amendment to the AAR No. 2006-253 appropriating \\$1,000,000 for the purpose of funding Handy Ride operating costs through FY2007 and for the purchase of six Handy Ride paratransit buses – Transportation Department \(\*Requires 5 affirmative votes\*\)](#)  
**Action Taken:** Removed from agenda
- B. \* [Award a contract to Radio Satellite Integrator's, Inc. in the amount of \\$1,288,525.28 for the installation of global positioning system/automated vehicle location\(GPS/AVL\) equipment in city vehicles – Department of Public Utilities](#)  
**Action Taken:** Awarded as recommended

10:00 A.M.

[HEARING to consider Rezone Application No. R-07-007, and environmental findings, filed by John Ford, on behalf of Xai Shoua Vang, pertaining to 5.63 acres of property located on the south side of East Florence Avenue between South Whitney and South Chestnut Avenues \(4730 East Florence Avenue\) \(\*Property located in Council District 5\*\)](#)

**Action Taken:** Held

- a. Consider and adopt Environmental Assessment No. R-07-07, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan.  
**Action Taken:** Adopted
- b. **BILL** –Amending the Official Zone Map to rezone the subject property from the AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district.  
**Action Taken:** Bill No. B-43 adopted as Ordinance No. 2007-43

10:10 A.M.

[Presentation of "City Recycling Diversion Report-Surpassing the 50% Goal" – Department of Public Utilities](#)

**Presentation made**

10:30 A.M.

Presentation of "Fresno Green: The City of Fresno's Strategy for Achieving Sustainability" – Mayor Autry, Council President Perea, and City Manager's Office

**Presentation made**

2:00 P.M.

### **CONTESTED CONSENT CALENDAR**

2:30 P.M.

[Presentation by the 10X10 Blue Ribbon Committee on Affordable Housing – Member Sterling](#)

**Presentation made**

### **CLOSED SESSION**

- A. **CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION**-Government Code Section 54956.9, subdivision(c)  
1. Case Name: *City of Fresno v. The Discovery Center*  
**Action Taken:** Held, litigation authorized
- B. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**  
Government Code Section 54956.9, subdivision (a)  
1. Case Name: Woodward Park Homeowners Association, Inc., et al v. City of Fresno, et al.  
**Action Taken:** Held

## SCHEDULED COUNCIL HEARINGS AND MATTERS

May 8 -	10:00 A.M.	Text amendment TA06-04, Adult Uses
May 9 -	2:00 P.M.	Presentation of Employee Service Awards ( <i>Reception immediately following – 2<sup>nd</sup> floor foyer</i> )
May 15 -	10:00 A.M.#1	<b>Hearing</b> to rename the tennis court at the Roeding Tennis Center
May 15 -	10:00 A.M.#2	<b>Hearing</b> re: to consider Rezone Appl. No. R-07-11, filed by the City of Fresno
May 15 -	10:15 A.M.	<b>Hearing</b> re: to consider Rezone Appl. No. R-07-005, filed by Francisco Valderrama
May 15 -	10:30 A.M.	<b>Hearing</b> re: Annexing Final Tract No. 5730, Annexation No. 17 to CFD No. 11
May 22 -		<b>No meeting</b>
May 24(Thurs)	8:30A.M.	<b>Public hearing</b> on FY 07-08 Budget
May 29 -		<b>No meeting – Memorial Day</b>
May 31(Thurs)	8:30 A.M.	Consideration of FY 07-08 Budget
June 5 -	2:00 P.M.	Continued consideration of FY 07-08 Budget (2:00 P.M.-6:00 P.M.)
June 7(Thurs)	8:30 A.M.	Continued consideration of FY 07-08 Budget (2:00 P.M.-6:00 P.M.)
June 12 -	2:00 P.M.	Continued consideration of FY 07-08 Budget (2:00 P.M.-6:00 P.M.)
June 19 -	2:00 P.M.	Continued consideration of FY 07-08 Budget (2:00 P.M.-6:00 P.M.)
June 26 –	10:00A.M.	<b>Hearing</b> re: to consider formation of Underground Utility District FRE-85
July 3 -		<b>No Meeting – Council Vacation</b>
July 10 -		<b>No Meeting - Council Vacation</b>